

Judge Tana Lin

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH DANIEL FREERKSEN,

Defendant.

NO. CR24-086 TL

PLEA AGREEMENT

The United States, through United States Attorney Tessa M. Gorman and Assistant United States Attorney Cecelia Gregson of the Western District of Washington, and Keith Daniel Freerksen and his attorney Dennis Carroll enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **Waiver of Indictment.** Defendant, having been advised of the right to be charged by Indictment, agrees to waive that right and enter a plea of guilty to the charges brought by the United States Attorney in a Superseding Information.

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1 2. **The Charges.** Defendant, having been advised of the right to have this
 2 matter tried before a jury, agrees to waive that right and enters a plea of guilty to each of
 3 the following charges contained in the Superseding Information.

4 a. Travel with Intent to Engage in a Sexual Act with a Minor, as
 5 charged in Count 1, in violation of Title 18, United States Code, Sections 2423(b) and
 6 2246(2)(A) and (B).

7 b. Enticement of a Minor, as charged in Count 2, in violation of Title
 8 18, United States Code, Section 2422(b).

9 By entering these pleas of guilty, Defendant hereby waives all objections to the
 10 form of the charging document. Defendant further understands that before entering any
 11 guilty plea, Defendant will be placed under oath. Any statement given by Defendant
 12 under oath may be used by the United States in a prosecution for perjury or false
 13 statement.

14 3. **Elements of the Offenses.** The elements of the offenses to which
 15 Defendant is pleading guilty are as follows:

16 a. For the offense of Travel with Intent to Engage in a Sexual Act with
 17 a Minor, as charged in Count 1:

18 First, the defendant did knowingly travel in interstate commerce for the
 19 purpose of engaging in illicit sexual conduct with a minor;

20 Second, the sexual conduct would constitute a violation of Title 18, United
 21 States Code, Chapter 109A; and

22 Third, the minor victim was under the age of eighteen years at the time.

23 Sexual conduct is defined in Title 18, United States Code, Section 2246 as contact
 24 between the penis and the vulva or the penis and the anus, and for the purposes of this
 25 subparagraph contact involving the penis occurs upon penetration however slight; contact
 26 between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the
 27 penetration, however slight, of the anal or genital opening of another by a hand or finger

1 or by an object with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the
2 sexual desire of any person; or the intentional touching, not through the clothing, of the
3 genitalia of another person who has not attained the age of 16 years with an intent to
4 abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

5 b. For the offense of Enticement of a Minor, as charged in Count 4

6 First, the defendant used a means or facility of interstate or foreign
7 commerce to knowingly persuade, induce, entice, or coerce an individual under
8 the age of eighteen to engage in sexual activity;

9 Second, the defendant believed that such individual was under the age of
10 eighteen; and

11 Third, a person could have been charged with a criminal offense for
12 engaging in the specified sexual activity, to wit: the production of a visual
13 depiction that involves the use of a minor engaging in sexually explicit conduct.

14 4. **The Penalties.** Defendant understands that the statutory penalties
15 applicable to the offenses to which Defendant is pleading guilty are as follows:

16 a. For the offense of Travel with Intent to Engage in a Sexual Act with
17 a Minor, as charged in Count 1: A maximum term of imprisonment of up to 30 years, a
18 fine of up to \$ 250,000, a period of supervision following release from prison of between
19 five years and life, and a mandatory special assessment of \$100 dollars. If a probationary
20 sentence is imposed, the probation period can be for up to five years. Defendant also
21 understands that unless the sentencing Court finds Defendant to be indigent, an additional
22 mandatory special assessment of \$5,000 will be imposed.

23 b. For the offense of Enticement of a Minor, as charged in Count 2: A
24 mandatory minimum term of imprisonment of 10 years and a maximum term of
25 imprisonment life, a fine of up to \$ 250,000, a period of supervision following release
26 from prison of between five years and life, and a mandatory special assessment of \$100
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1 dollars. Defendant also understands that unless the sentencing Court finds Defendant to
2 be indigent, an additional mandatory special assessment of \$5,000 will be imposed.

3 Defendant understands that supervised release is a period of time following
4 imprisonment during which Defendant will be subject to certain restrictive conditions and
5 requirements. Defendant further understands that, if supervised release is imposed and
6 Defendant violates one or more of the conditions or requirements, Defendant could be
7 returned to prison for all or part of the term of supervised release that was originally
8 imposed. This could result in Defendant serving a total term of imprisonment greater than
9 the statutory maximum stated above.

10 Defendant understands that as a part of any sentence, in addition to any term of
11 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
12 restitution to any victim of the offense, as required by law.

13 Defendant further understands that the consequences of pleading guilty may
14 include the forfeiture of certain property, either as a part of the sentence imposed by the
15 Court, or as a result of civil judicial or administrative process.

16 Defendant agrees that any monetary penalty the Court imposes, including the
17 special assessment, fine, costs, or restitution, is due and payable immediately and further
18 agrees to submit a completed Financial Disclosure Statement as requested by the United
19 States Attorney's Office.

20 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
21 will become ineligible for certain food stamp and Social Security benefits as directed by
22 Title 21, United States Code, Section 862a.

23 **5. Immigration Consequences.** Defendant recognizes that pleading guilty
24 may have consequences with respect to Defendant's immigration status if Defendant is
25 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
26 for removal, and some offenses make removal from the United States presumptively
27 mandatory. Removal and other immigration consequences are the subject of a separate

1 proceeding, and Defendant understands that no one, including Defendant's attorney and
 2 the Court, can predict with certainty the effect of a guilty plea on immigration status.
 3 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
 4 immigration consequences that Defendant's guilty pleas may entail, even if the
 5 consequence is Defendant's mandatory removal from the United States.

6 **6. Rights Waived by Pleading Guilty.** Defendant understands that by
 7 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

8 a. The right to plead not guilty and to persist in a plea of not guilty;

9 b. The right to a speedy and public trial before a jury of Defendant's
 10 peers;

11 c. The right to the effective assistance of counsel at trial, including, if
 12 Defendant could not afford an attorney, the right to have the Court appoint one for
 13 Defendant;

14 d. The right to be presumed innocent until guilt has been established
 15 beyond a reasonable doubt at trial;

16 e. The right to confront and cross-examine witnesses against Defendant
 17 at trial;

18 f. The right to compel or subpoena witnesses to appear on Defendant's
 19 behalf at trial;

20 g. The right to testify or to remain silent at trial, at which trial such
 21 silence could not be used against Defendant; and

22 h. The right to appeal a finding of guilt or any pretrial rulings.

23 **7. United States Sentencing Guidelines.** Defendant understands and
 24 acknowledges that the Court must consider the sentencing range calculated under the
 25 United States Sentencing Guidelines and possible departures under the Sentencing
 26 Guidelines together with the other factors set forth in Title 18, United States Code,
 27 Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the

1 history and characteristics of Defendant; (3) the need for the sentence to reflect the
 2 seriousness of the offenses, to promote respect for the law, and to provide just
 3 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to
 4 criminal conduct; (5) the need for the sentence to protect the public from further crimes
 5 of Defendant; (6) the need to provide Defendant with educational and vocational training,
 6 medical care, or other correctional treatment in the most effective manner; (7) the kinds
 7 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
 8 avoid unwarranted sentence disparity among defendants involved in similar conduct who
 9 have similar records. Accordingly, Defendant understands and acknowledges that:

10 a. The Court will determine Defendant's Sentencing Guidelines range
 11 at the time of sentencing;

12 b. After consideration of the Sentencing Guidelines and the factors in
 13 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
 14 maximum term authorized by law;

15 c. The Court is not bound by any recommendation regarding the
 16 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
 17 range offered by the parties or the United States Probation Department, or by any
 18 stipulations or agreements between the parties in this Plea Agreement; and

19 d. Defendant may not withdraw a guilty plea solely because of the
 20 sentence imposed by the Court.

21 8. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
 22 guaranteed what sentence the Court will impose.

23 9. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
 24 offenses. The parties agree on the following facts:

25 a. Beginning in November 2022, and continuing until April 2023,
 26 while MV (born in 2009) was 13 years old and resided in Alaska, and again between May
 27 2023, and continuing until January 8, 2024, when MV was 13 and 14 years old and

1 resided in Mount Vernon, Washington, Keith Daniel Freerksen (born in 1993)
2 electronically communicated with MV on various social medial platforms to include
3 Omegle, Snapchat, Instagram, and TikTok. Freersken communicated with MV from his
4 residence in South Haven Township, Michigan. During that period, Freersken knowingly
5 utilized a cellular telephone and the internet to engage in communications with MV in an
6 attempt to persuade, induce, and entice MV to engage in sexual activity which was illegal
7 due to MV's age. Freersken sent MV a phone in order to circumvent parental restrictions
8 and communicate without interference. Those communications were sexually explicit in
9 nature and included nude video chats. Freersken also requested MV to produce child
10 sexual abuse material and send it to him via various social media applications. MV
11 complied.

12 b. Between January 3, 2024, and January 8, 2024, Freersken knowingly
13 and intentionally travelled from South Haven Township, Michigan, and Mount Vernon,
14 Washington, to engage in vaginal and oral intercourse with MV, who was 14 years old at
15 the time. Freersken picked MV up from Mount Vernon, Washington, on or about January
16 8, 2024, and returned to South Haven Township, Michigan, where he kept MV at his
17 residence until law enforcement located and rescued MV on or about January 24, 2024.

18 The parties agree that the Court may consider additional facts contained in the
19 Presentence Report (subject to standard objections by the parties) and/or that may be
20 presented by the United States or Defendant at the time of sentencing, and that the factual
21 statement contained herein is not intended to limit the facts that the parties may present to
22 the Court at the time of sentencing.

23 10. **Acceptance of Responsibility.** At sentencing, if the Court concludes
24 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
25 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will
26 make the motion necessary to permit the Court to decrease the total offense level by three
27 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United

1 States by timely notifying the United States of Defendant's intention to plead guilty,
2 thereby permitting the United States to avoid preparing for trial and permitting the Court
3 to allocate its resources efficiently.

4 **11. Agreed Recommendation Regarding Imprisonment.** Pursuant to Federal
5 Rule of Criminal Procedure 11(c)(1)(B), the parties jointly agree to recommend that the
6 appropriate term of imprisonment to be imposed by the Court at the time of sentencing is
7 a term of 240 months, to run concurrently with the sentence imposed in Van Buren
8 County, Michigan, Cause Number 24000110FY and with credit commencing from the
9 date of arrest and incarceration. Defendant understands that this recommendation is not
10 binding on the Court and the Court may reject the recommendation of the parties and
11 may impose any term of imprisonment up to the statutory maximum penalty authorized
12 by law. Defendant further understands that Defendant cannot withdraw a guilty plea
13 simply because of the sentence imposed by the Court. Except as otherwise provided in
14 this Plea Agreement, the parties are free to present arguments regarding any other aspect
15 of sentencing.

16 **12. Restitution.** Defendant agrees that the Court can order Defendant to pay
17 restitution to the victims of Defendant's crimes and, in exchange for the agreements by
18 the United States contained in this Plea Agreement, Defendant agrees that restitution in
19 this case should not be limited to the offenses of conviction. Defendant is aware that the
20 United States will present evidence supporting an order of restitution for all losses caused
21 by all of Defendant's criminal conduct known to the United States at the time of
22 Defendant's guilty pleas to include those losses resulting from crimes not charged or
23 admitted by Defendant in the Statement of Facts including sexual abuse and exploitation
24 conduct occurring enroute to and at South Haven Township, Michigan. In exchange for
25 the promises by the United States contained in this Plea Agreement, Defendant agrees
26 that Defendant will be responsible for any order by the District Court requiring the
27 payment of restitution for such losses.

1 a. The full amount of restitution shall be due and payable immediately
2 on entry of judgment and shall be paid as quickly as possible. If the Court finds that the
3 defendant is unable to make immediate restitution in full and sets a payment schedule as
4 contemplated in 18 U.S.C. § 3664(f), Defendant agrees that the Court's schedule
5 represents a minimum payment obligation and does not preclude the U.S. Attorney's
6 Office from pursuing any other means by which to satisfy Defendant's full and
7 immediately-enforceable financial obligation, including, but not limited to, by pursuing
8 assets that come to light only after the district court finds that Defendant is unable to
9 make immediate restitution.

10 b. Defendant agrees to disclose all assets in which Defendant has any
11 interest or over which Defendant exercises control, directly or indirectly, including those
12 held by a spouse, nominee, or third party. Defendant agrees to cooperate fully with the
13 United States' investigation identifying all property in which Defendant has an interest
14 and with the United States' lawful efforts to enforce prompt payment of the financial
15 obligations to be imposed in connection with this prosecution. Defendant's cooperation
16 obligations are: (1) before sentencing, and no more than 30 days after executing this Plea
17 Agreement, truthfully and completely executing a Financial Disclosure Statement
18 provided by the United States Attorney's Office and signed under penalty of perjury
19 regarding Defendant's and Defendant's spouse's financial circumstances and producing
20 supporting documentation, including tax returns, as requested; (2) providing updates with
21 any material changes in circumstances, as described in 18 U.S.C. § 3664(k), within seven
22 days of the event giving rise to the changed circumstances; (3) authorizing the United
23 States Attorney's Office to obtain Defendant's credit report before sentencing; (4)
24 providing waivers, consents or releases requested by the U.S. Attorney's Office to access
25 records to verify the financial information; (5) authorizing the U.S. Attorney's Office to
26 inspect and copy all financial documents and information held by the U.S. Probation
27 Office; (6) submitting to an interview regarding Defendant's Financial Statement and

1 supporting documents before sentencing (if requested by the United States Attorney's
2 Office), and fully and truthfully answering questions during such interview; and (7)
3 notifying the United States Attorney's Office before transferring any interest in property
4 owned directly or indirectly by Defendant, including any interest held or owned in any
5 other name, including all forms of business entities and trusts.

6 c. The parties acknowledge that voluntary payment of restitution prior
7 to the adjudication of guilt is a factor the Court considers in determining whether
8 Defendant qualifies for acceptance of responsibility pursuant to USSG § 3E1.1(a).

9 13. **Forfeiture of Assets.** Defendant understands that the forfeiture of property
10 is part of the sentence that must be imposed in this case. Defendant agrees to forfeit to the
11 United States immediately his right, title, and interest in any property, real or personal,
12 that was used or intended to be used to commit or to facilitate his commission of *Travel*
13 *with Intent to Engage in a Sexual Act with a Minor*, as charged in Count 1 of the
14 Superseding Information, and *Enticement of a Minor*, as charged in Count 2 of the
15 Superseding Information, as well as any property, real or personal, constituting or derived
16 from any proceeds Defendant obtained, directly or indirectly, as a result of such offenses.
17 All such property is forfeitable pursuant to Title 18, United States Code, Section 2248(a).

18 Defendant agrees to fully assist the United States in the forfeiture of this property
19 and to take whatever steps are necessary to pass clear title to the United States, including
20 but not limited to: surrendering title and executing any documents necessary to effect
21 forfeiture; assisting in bringing any property located outside the United States within the
22 jurisdiction of the United States; and taking whatever steps are necessary to ensure that
23 property subject to forfeiture is not sold, disbursed, wasted, hidden, or otherwise made
24 unavailable for forfeiture. Defendant agrees not to file a claim to this property in any
25 federal forfeiture proceeding, administrative or judicial, that may be or has been initiated,
26 or to otherwise contest any federal forfeiture proceeding that may be or has been
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1 initiated. Defendant also agrees he will not assist any party who may file a claim to this
2 property in any federal forfeiture proceeding.

3 The United States reserves its right to proceed against any remaining property not
4 identified in this Plea Agreement, including any property in which Defendant has any
5 interest or control, if the Defendant used, or intended to use, that property to commit or to
6 facilitate his commission of the identified offenses.

7 14. **Abandonment of Contraband.** Defendant also agrees that, if any federal
8 law enforcement agency seized any illegal contraband that was in Defendant's direct or
9 indirect control, Defendant consents to the federal administrative disposition, official use,
10 and/or destruction of that contraband.

11 15. **Registration as a Sex Offender.** Defendant stipulates and agrees that
12 based on the Sex Offender Registration and Notification Act, Title 42, United States
13 Code, Section 16911 et seq., he is entering a plea of guilty to sex offenses and is a sex
14 offender as those terms are defined in the Act. Defendant further agrees that pursuant to
15 the Act, he is required to register as a sex offender, and keep the registration current, in
16 each jurisdiction where Defendant resides, is an employee, and/or is a student. Defendant
17 further agrees that for initial registration purposes only, Defendant is also required to
18 register in the jurisdiction in which Defendant is convicted if such jurisdiction is different
19 from the jurisdiction of residence.

20 16. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
21 the United States Attorney's Office for the Western District of Washington agrees not to
22 prosecute Defendant for any additional offenses known to it as of the time of this Plea
23 Agreement based upon evidence in its possession at this time, and that arise out of the
24 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
25 States Attorney's Office for the Western District of Washington has agreed not to
26 prosecute all of the criminal charges the evidence establishes were committed by
27 Defendant solely because of the promises made by Defendant in this Plea Agreement.

1 Defendant agrees, however, that for purposes of preparing the Presentence Report, the
2 United States Attorney's Office will provide the United States Probation Office with
3 evidence of all conduct committed by Defendant.

4 Defendant agrees that any charges to be dismissed before or at the time of
5 sentencing were substantially justified in light of the evidence available to the United
6 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
7 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
8 (1997).

9 17. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
10 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
11 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
12 States has evidence; (b) Defendant will not oppose any steps taken by the United States
13 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
14 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
15 that previously were dismissed or any additional charges that had not been prosecuted.

16 Defendant further understands that if, after the date of this Plea Agreement,
17 Defendant should engage in illegal conduct, or conduct that violates any conditions of
18 release or the conditions of confinement (examples of which include, but are not limited
19 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
20 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
21 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
22 to file additional charges against Defendant and/or to seek a sentence that takes such
23 conduct into consideration by requesting the Court to apply additional adjustments or
24 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
25 advisory Guidelines range, and/or by seeking an upward departure or variance from the
26 calculated advisory Guidelines range. Under these circumstances, the United States is
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1 free to seek such adjustments, enhancements, departures, and/or variances even if
2 otherwise precluded by the terms of the Plea Agreement.

3 **18. Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
4 acknowledges that, by entering the guilty pleas required by this Plea Agreement,
5 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
6 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
7 conviction. This includes, without limitation, any constitutional challenge to the
8 Defendant's conviction. Defendant further agrees that, provided the Court imposes a
9 custodial sentence that is within or below the Sentencing Guidelines range (or the
10 statutory mandatory minimum, if greater than the Guidelines range) as determined by the
11 Court at the time of sentencing, Defendant waives to the full extent of the law any right
12 conferred by Title 18, United States Code, Section 3742, to challenge, on direct appeal,
13 the sentence imposed by the Court, including any fine, restitution order, probation or
14 supervised release conditions, or forfeiture order (if applicable). This includes, without
15 limitation, any challenge to any aspect of the sentence and sentencing proceeding,
16 including any statutory or constitutional challenge to how the sentence was imposed.

17 Defendant also agrees that, by entering the guilty pleas required by this Plea
18 Agreement, Defendant waives any right to bring a collateral attack against the conviction
19 and sentence, including any restitution order imposed, except as it may relate to the
20 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
21 unknown or not reasonably discoverable prior to entry of the judgment of conviction.

22 Defendant acknowledges that certain claims, including certain claims for
23 prosecutorial misconduct, will be barred by operation of law by virtue of their guilty plea,
24 independently from this Plea Agreement. This waiver does not preclude Defendant from
25 bringing an appropriate motion pursuant to 28 U.S.C. § 2241, to address the conditions of
26 Defendant's confinement or the decisions of the Bureau of Prisons regarding the
27 execution of Defendant's sentence.

1 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
2 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
3 in any way, the United States may prosecute Defendant for any counts, including those
4 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
5 Plea Agreement.

6 19. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into
7 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
8 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
9 Agreement or set forth on the record at the change of plea hearing in this matter.

10 20. **Statute of Limitations.** In the event this Plea Agreement is not accepted by
11 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,
12 or Defendant withdraws from this Plea Agreement after it has been accepted by the
13 Court, the statute of limitations shall be deemed to have been tolled from the date of the
14 Plea Agreement to: (1) 30 days following the date of non-acceptance of the Plea
15 Agreement by the Court; or (2) 30 days following the date on which a breach of the Plea
16 Agreement by Defendant is discovered by the United States Attorney's Office; or (3) 30
17 days following the grant of a motion to withdraw from the Plea Agreement.

18 21. **Completeness of Plea Agreement.** The United States and Defendant
19 acknowledge that these terms constitute the entire Plea Agreement between the parties,
20 except as may be set forth on the record at the change of plea hearing in this matter. This
21 Plea Agreement binds only the United States Attorney's Office for the Western District
22 of Washington. It does not bind any other United States Attorney's Office or any other
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1 office or agency of the United States, or any state or local prosecutor.

2 Dated this 8th day of November 2024.

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5 KEITH DANIEL FREERKSEN
6 Defendant

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8 DENNIS CARROLL
9 Attorney for Defendant

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11 MARCELL ELLSWORTH
12 Assistant United States Attorney

13 

14 CECELIA GREGSON
15 Assistant United States Attorney